

1. The examiner acknowledges the amendments to claims 6 and 10 filed on Dec. 21, 2009, which have been entered. Claims 1-23 are pending.

2. The terminal disclaimer filed on Dec. 21, 2009, disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent 7,534,539, has been reviewed and is accepted. The terminal disclaimer has been recorded.

Accordingly, the rejections of the cited claims on the ground of nonstatutory obviousness-type double patenting of claims 1-7 of U.S. Patent No. 7,534,539 in view of the other cited references, set forth in the office action mailed on Oct. 21, 2009, paragraphs 6-10, have been withdrawn.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. B. J. Sadoff (Reg. No. 36,663) on Jan. 05, 2010.

The application has been amended as follows:

In claim 1, at line 28, delete the phrase "R⁴ and R⁵" and insert the phrase -- and R⁴ --.

In claim 2, at line 21, delete the phrase "a_substituent" and insert the phrase -- a substituent --.

In claim 6, at line 28, delete the phrase "R⁴ and R⁵" and insert the phrase -- and R⁴ --.

In claim 7, at line 1, after the word "wherein" insert the phrase -- said oxotitanium phthalocyanine and --; and

In claim 7, at line 2, delete the verb "is" and insert the verb -- constitute --.

In claim 10, at line 27, delete the phrase "R⁴ and R⁵" and insert the phrase -- and R⁴ --.

In claim 15, at line 4, delete the word "phthalocyanines_" and insert the word -- phthalocyanines --.

In claim 19, at line 12, delete the word "controller" and insert the word -- controller --.

4. The examiner's amendment set forth in paragraph 5 above to claims 2, 15, and 19 removes stray markings that occurred in the

rewriting of those claims. The examiner's amendment to claims 1, 6, and 10 avoids a rejection under 35 U.S.C. 112, second paragraph, by deleting the recited group R⁵, which is not present in chemical formula (1) recited in those claims. The examiner's amendment to claim 7 provides unambiguous antecedent basis for the oxotitanium phthalocyanine and metal phthalocyanine recited in instant claim 7, which depends from independent claim 6.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry regarding papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Sandra Sewell, whose telephone number is (571) 272-1047.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Janis L. Dote/
Primary Examiner, Art Unit 1795

JLD

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